

Message Text

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ACTION AF-10

INFO OCT-01 EUR-12 IO-13 ISO-00 CIAE-00 DODE-00 PM-05
H-01 INR-10 L-03 NSAE-00 NSC-05 PA-01 SP-02
SS-15 ICA-11 HA-05 OMB-01 TRSE-00 /095 W
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R 120911Z APR 78
FM AMEMBASSY LAGOS
TO SECSTATE WASHDC 7817
INFO AMCONSUL IBADAN
AMCONSUL KADUNA
AMEMBASSY LONDON
USMISSION USUN NEW YORK

C O N F I D E N T I A L SECTION 1 OF 2 LAGOS 4562

E.O. 11652: GDS
TAGS: PGOV, PDEV, NI
SUBJECT: SHARIA: THE NORTHERN REACTION

REF: (A) KADUNA 457, (B) LAGOS 4344, (C) LAGOS 4296

BEGIN SUMMARY. IN THE AFTERMATH OF THE CA'S DECISION ON
SHARIA, THE SITUATION REMAINS FLUID WITH NORTHERN POLITICAL
AND EDITORIAL COMMENT STRESSING THE SERIOUSNESS OF THE
ISSUE WHILE LEAVING OPEN THE QUESTION OF FUTURE NORTHERN
TACTICS. END SUMMARY.

1. AT MONDAY'S CONSTITUENT ASSEMBLY (CA) SESSION, NORTHERN
MCA'S ANNOUNCED THAT THEY WOULD CONTINUE THEIR BOYCOTT OF THE
ASSEMBLY, AT LEAST UNTIL IT COMPLETES WORK ON THE JUDICIARY
SECTIONS OF THE CONSTITUTION.

2. IN A STATEMENT TO THE ASSEMBLY ON BEHALF OF 88
NORTHERN MCA'S, ALHAJI KAN SALEM (BORNO) REITERATED
NORTHERN CONCERN OVER LAST THURSDAY'S CA PROCEEDINGS
WHICH DELETED A FEDERAL SHARIA COURT OF APPEAL FROM
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THE CONSTITUTION. SALEM QUOTED CHAIRMAN UDOMA AS
HAVING SAID IN THAT SESSION THAT THE SHARIA QUESTION
WAS 'VERY, VERY MINOR,' AND CRITICIZED UDOMA'S ROLE
IN LAST THUSDAY PROCEDURE. (FYI: SALEM'S
CRITICISM OF UDOMA IS PROBABLY UNFAIR. A SOURCE
IN THE CA TOLD US THAT HAD SHARIA COME TO A VOTE ON
APRIL 3 WHEN THE CA REASSEMBLED AFTER EASTER, IT WOULD

HAVE BEEN SOLIDLY DEFEATED. UDOMA AVOIDED THAT BY APPOINTING THE ADEBO COMMITTEE WHICH DEVELOPED LAST THURSDAY'S COMPROMISE. END FYI.)

3. SALEM ADDED THAT THE NORTHERN MCA'S WISHED TO CONFIRM THAT THEY HAVE 'CEASED TO PARTICIPATE IN THE PROCEEDINGS OF THE ASSEMBLY. WE FURTHER WISH TO CONFIRM THAT WE HAVE WITHDRAWN FROM THE ASSEMBLY UNTIL DELIBERATIONS ON (THE JUDICIARY) ARE CONCLUDED BY WHAT REMAINS OF THE ASSEMBLY. AT THAT POINT, WE SHALL DETERMINE OUR NEXT COURSE OF ACTION.' SALEM CONCLUDED BY RESERVING HIS POSITION ON SHARIA AND THEN THE NORTHERN MCA'S LEFT THE CHAMBER.

4. AMBIGUITY ABOUT NORTHERN TACTICS IN APPROACHING THE ISSUE WAS ALSO REFLECTED IN THE NORTHERN ORIENTED NEW NIGERIAN'S (NN) APRIL 8 EDITORIAL COMMENT ON THE ISSUE. NN OBSERVED THAT LAST THURSDAY'S PROCEEDINGS WERE 'UNHAPPY BECAUSE OVER 80 MEMBERS HAVE FELT OBLIGED TO WITHDRAW FROM THE AUGUST BODY.' NEVERTHELESS, THE ARRANGEMENT ADOPTED BY THE CA'REPRESENTS MOVEMENT ON BOTH SIDES. ON THE ONE HAND, SUPPORTERS OF THE FEDERAL SHARIA COURT OF APPEAL HAVE NOW ACCEPTED THAT THE COURT HAS NO PLACE IN THE JUDICIAL SETUP IN THIS COUNTRY. ON THE OTHER HAND, THOSE WHO WANT SHARIA BANNED FROM THE CONSTITUTION HAVE NOW REALIZED THAT THEIR

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POSITION WAS UNTENABLE.'

5. NN CONTINUED THAT NORTHERN MCA'S WHO WITHDREW FROM THE CA ARE NOW SEEKING 'ASSURANCES THAT THE SHARIA CASES COMING UP TO THE FEDERAL COURT OF APPEAL SHOULD BE DETERMINED BY MUSLIM JUDGES LEARNED IN ISLAMIC LAW.' THE PRESENT JUDGES ARE NOT COMPETENT IN THAT REGARD AND 'THIS IS THE CRUX OF THE MATTER.' NN CONCLUDED WITH A CALL FOR STATESMANSHIP AND URGED THE NORTHERN MCA'S TO RETURN THE ASSEMBLY AND 'PUT MORE EFFORT TO EXPLAIN TO THEIR COLLEAGUES WHY A PANEL OF THE FEDERAL COURT OF APPEAL IS UNACCEPTABLE. HOWEVER, NN NOTED THAT OTHER MCA'S AND THE CHAIRMAN 'SHOULD NOT THEREFORE REGARD THE MATTER AS CLOSED.'

6. SOUTHERN REACTION HAS BEEN RESTRAINED TO THE POINT OF NOT TAKING THE MATTER SERIOUSLY. THE DAILY TIMES

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HAS NOT COMMENTED ON THE ISSUE WHILE THE NIGERIAN TRIBUNE EDITORIALIZED THAT THE ISSUE HAD BEEN DECIDED DEMOCRATICALLY AND THE NORTHERN MCA'S SHOULD RETURN TO THE ASSEMBLY. IN CONVERSATION WITH THE AMBASSADOR SOUTHERN MCA IME EBONG TREATED THE ISSUE ALMOST FLIPPANTLY. OTHER SOUTHERN MCA'S HAVE TOLD US THAT AS FAR AS THEY ARE CONCERNED THE MATTER IS SETTLED, ON THE OTHER HAND CHIEF ADEBO WHO WAS THE AUTHOR OF THE PROPOSED #OMPROMISE AND A PROMINENT YORUBA FROM ABEOKUTA EXPRESSED PERSONNAL DISMAY THAT THE NORTHERNERS HAD NOT ACCEPTED WHAT HE FELT WAS A EMINANTLY FAIR SOLUTION TO THE PROBLEM. HE THOUGHT THEY WOULD RETURN TO THE ASSEMBLY IN DUE COURSE BUT ADMITTED HE COULD NOT BE SURE.

7. COMMENT: THE SITUATION REMAINS FLUID AND NORTHERN AMBIGUITY, NO DOUBT INTENTIONAL, IN PUBLIC STATEMENTS ON THE ISSUE HAS NOT HELPED TO CLARIFY MATTERS. ON THE ONE HAND, NORTHERN STATEMENTS HAVE EMPHASIZED THE SERIOUSNESS OF THE ISSUE. ON THE OTHER HAND, THEY HAVE LEFT OPEN THE QUESTION OF WHEN AND UNDER WHAT CIRCUMSTANCES NORTHERN MCA'S WILL RETURN TO THE CA AND WHAT APPROACH THEY MIGHT
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USE TO UNDO LAST THURSDAY'S DECISION. NORTHERN LEADER MUHU BAMALI TOLD THE EMBASSY'S LABOR/POLITICAL ASSISTANT AT THE SATELITE VILLAGE OVER THE WEEKEND THAT

THE NORTHERN WALKOUT ONLY CONCERNED SHARIA AND WAS INTENDED TO PUT THEIR POSITION ON THE RECORD. HE ADDED THAT THE NORTHERN MCA'S WOULD BE RETURNING TO THE ASSEMBLY WHEN THE SUBJECT CHANGED. HOWEVER SALEM'S STATEMENT IN THE CA LEAVES OPEN, PERHAPS FOR TACTICAL REASONS THE POSSIBILITY OF A TOTAL BOYCOTT OF THE CA.

8. IT IS CLEAR TO US THAT ANY NORTHERN ATTEMPT TO UNDO COMPLETELY THE CA'S DECISION ON SHARIA WILL UNLEASH A MAJOR POLITICAL STORM IN THE COUNTRY. NEVERTHELESS, WE WOULD NOT EXCLUDE THE POSSIBILITY OF SOME COMPROMISE MODIFICATION IN THE PHRASEOLOGY OF THE CONSTITUTION, E.G., REFER TO THE SHARIA CASE JUDGES AS A 'DIVISION' OF THE FEDERAL COURT OF APPEALS, WITHOUT CHANGING THE BASIC CA DECISION THAT THERE WILL BE NO FEDERAL SHARIA COURT OF APPEAL. AS INDICATED IN PARA 3 REF A, SUCH A COMPROMISE MIGHT GO A LONG WAY TO MEET NORTHERN CONCERNS. END COMMENT.
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